

United States Court of Appeals
For the Eighth Circuit

No. 14-1451

Brian Thornton

Plaintiff - Appellant

v.

UPS, Inc.

Defendant - Appellee

Appeal from United States District Court
for the Western District of Arkansas - Hot Springs

Submitted: December 3, 2014

Filed: December 12, 2014

[Unpublished]

Before SMITH, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

In this Title VII action against UPS, Inc., Brian Thornton appeals from the judgment of the District Court¹ granting summary judgment to UPS. He also appeals

¹The Honorable Susan O. Hickey, United States District Judge for the Western District of Arkansas, adopting the report and recommendations of the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas.

the District Court's denial of his Federal Rule of Civil Procedure 41(a)(2) motion to voluntarily dismiss his complaint against UPS without prejudice. Upon careful de novo review, we conclude that the District Court did not err in granting UPS summary judgment. See Pedroza v. Cintas Corp. No. 2, 397 F.3d 1063, 1068 (8th Cir.) (standard of review), cert. denied, 546 U.S. 1035 (2005). We further conclude that the District Court did not abuse its discretion in denying Thornton's motion to voluntarily dismiss his claims. See Thatcher v. Hanover Ins. Grp., Inc., 659 F.3d 1212, 1213 (8th Cir. 2011) (noting that a decision under Rule 41(a)(2) is within the discretion of the district court).

Accordingly, we affirm.
